

JOSEPH BIVINS
FOLSOM STATE PRISON
PO.. BOX 950)(B3/BA/30)
FOLSOM,CA., 95763

FILED
08 JUN -4 PM 1:00
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH BIVINS
PLAINTIFF

vs

case no CV-08-2629
MOTION FOR CLARITY

City of Contra Costa et al
Defendants

The plaintiff Joseph Bivins move upon the United States District Court Northern District of California, for the court to give clarity to the filing of his Civil Complaint, and fees waiver application.

The plaintiff has filed the civil complaint and summons, with proof of indigency by filing a informa pauperis form application on the court and has received a filed copy of the document in which the court has received, but the notice also received in the envelop was that the plaintiff is not in compliance with the rule of the court by not submitting the same document stamp and filed.(see exhibit A,(Stamp copy complaint under the Civil Right Act 42 U.S.C.§§ 1983)9 for the denial of access to STR and Mt-DNA testing, for the more conclusive proof of actual innocent in committing a murder on Jones and Bowie in the year of 1974)

(Exhibit B)(is the copy of the filed informa Pauperis application stamp filed.

If the plaintiff is not in compliance with the rule of court by filing the said document, the plaintiff request notification.

Date May 30,2008

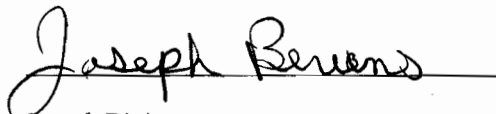

Joseph Bivins

EXHIBIT - A

E-113

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983Name Bivins Joseph

(Last)

(First)

(Initial)

Prisoner Number B-63111Institutional Address Folsom State Prison, 300 Prison road, Folsom, California**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**Joseph Bivins

(Enter the full name of plaintiff in this action.)

vs.

City of Contra Costa, Gary T YancyDavid Kanist, Douglas Maples, DonnelBarry, W. O'Malley, P. Holes, DorthyNorthy, J. Bradley.

(Enter the full name of the defendant(s) in this action.)

Case No. 08-2229

(To be provided by the Clerk of Court)

**COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
Title 42 U.S.C § 1983****MHP****(PR)*****[All questions on this complaint form must be answered in order for your action to proceed..]*****I. Exhaustion of Administrative Remedies.****[Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]A. Place of present confinement Folsom state prison

B. Is there a grievance procedure in this institution?

YES (x) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (x) NO ()

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

- 1 1. Informal appeal California Superior Court of Contr Costa
2 Writ of habeas corpus petition
3 _____
4 2. First formal level First Appellate Court
5 writ of habeas corpus petition
6 _____
7 3. Second formal level California Supreme Court
8 Writ of habeas corpus petition
9 _____
10 4. Third formal level Northern District Court on a writ of habeas corpus
11 Petition
12 _____

13 E. Is the last level to which you appealed the highest level of appeal available to
14 you?

15 YES (x) NO ()

16 F. If you did not present your claim for review through the grievance procedure,
17 explain why. Not applicable
18 _____
19 _____

20 II. Parties.

21 A. Write your name and your present address. Do the same for additional plaintiffs,
22 if any.

23 JOSEPH BIVINS 300 Prison Road, Folsom Ca., 95763
24 _____
25 _____

26 B. Write the full name of each defendant, his or her official position, and his or her
27 place of employment.

28 Contra Costa city 649 Main Street, Martinez, Ca., 94553-1233

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5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each
7 defendant is involved and to include dates, when possible. Do not give any legal arguments or
8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
9 separate numbered paragraph.

10 The plaintiff Joseph Bivins has stated that his 14th amendment rights
11 to the United states Constitutional laws has been fundamental denied by
12 denial of a right to an more conclusive STR and mtDNA testing, that would
13 give support to an actual innocent in committing the murder upon Jones and
14 Bowie.

15 Plaintiff further alleged his due process rights under the 14th Amendment
16 When denial access to time of death, witnesses statement providing alibi
17 in not able to committed the said act, denied access to excuplatory
18 evidence for DNA testing

19 (SEE ATTACHMENT FOR COMPLETE ARGUMENTS)
20
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23 IV. Relief.

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly
25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 The plaintiff prays that this court grant access to evidences, testimony,
27 and what ever the court may deem necessary.

28 DNA Testing by STR and mt DNA testing and conclusion result

Treated equally to the caselaw standand in ASborne, DJ-DAR April 3, 2008
at page 4670)

COMPLAINT

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I declare under penalty of perjury that the foregoing is true and correct.

Signed this 02 day of June, 2008

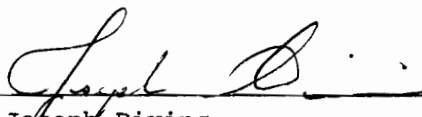

Joseph Bivins
(Plaintiff's signature)

EXHIBIT - B

FILED
JUN 23 PM 2:54
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
MHP 550

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 08

2629

JOSEPH BIVINS

Plaintiff,

CASE NO. _____

vs.

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

MHP

CONTRA CONSTA CITY ET AL

Defendant.

I, JOSEPH BIVINS, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ____ No NO

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: 0 Net: 0

Employer: NONE

If the answer is "no," state the date of last employment and the amount of the gross and net salary

UNITED STATES
02 1M
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MAILED FROM ZIP 9402



PRISON GENERATED MAIL
FOLSOM STATE PRISON
PO BOX 715071
REPRESA CA 95671

Joseph Bruns B-63111
Folsom State Prison
PO Box 950 31A1-29L
Folsom, CA 95763

RECEIVED

MAY 21 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Office of The Clerk

U.S. District Court
Northern District of Calif.

450 Golden Gate Ave

San Francisco, CA 94102

RECEIVED
MAY 21 2008
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CLERK'S OFFICE
MAIL

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NORTHERN DISTRICT OF CALIFORNIA

CV 08

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PROOF OF SERVICE BY MAIL

I JOSEPH BIVINS, AM A RESIDENT OF FOLSOM STATE PRISON IN THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA. I AM OVER THE AGE OF 18 YEARS, AND I AM /AM NOT A PARTY TO THIS ACTION.

MY PRISON NUMBER IS: B- 63 111

MY PRISON ADDRESS IS; P.O. BOX 950, Folsom, Ca. 95763

ON June 2,, 2008, I SERVED A COPY OF THE FOLLOWING DOCUMENT:

CIVIL RIGHT COMPLAINT, FEES WAIVER APPLICATION, MOTION FOR CLARIFICATION

ON THE FOLLOWING PARTIES BY PLACING THE DOCUMENTS IN A SEALED ENVELOPE WITH POSTAGE FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT FOLSOM STATE PRISON (MAILBOX RULE), FOLSOM, CALIFORNIA, ADDRESSED AS FOLLOWS:

UNITED STATES DISTRICT COURT FORM THE NORTHERN DISTRICT OF CALIFORNIA
450 Golden gate avenue, San Francisco, ca., 95814

Attorney General 1300 I street, suite 125, Sacramento, Ca., 95814

THERE IS DELIVERY SERVICE BY THE UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND/OR THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED June 2, 2008, AT FOLSOM, CALIFORNIA..

Joseph Bivins
<signature here >

Johnny Kamey D-40605
F-50/B3/171/22
P.O. Box 850
Folsom, Ca 9576



United States District Court
for Northern District of California
450 Golden Gate Avenue
San Francisco, Ca 94102-3483



United States District Court
for Northern District of California
450 Golden Gate Avenue
San Francisco, Ca 94102-3483



Legal Mail

6/1/08



P. Scire